IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION (REVIEW) NO. 15 OF 2005

MR. ULRICH ANGERER,COLVA GOA. ....Applicant

Versus

THE GOA COSTAL ZONE MANAGEMENT,SALIGAO GOA. ....Respondent

Mr. A. F. Diniz, Advocate for the applicant.

Mr. S. S. Kantak, Advocate General with Ms R. Chodankar, Addl. Government Advocate for the respondent.

Coram:- D. D. SINHA, J.

Date:- 24th November, 2005

P.C.

Heard Mr. Diniz, the learned Counsel for the applicant and Mr. Kantak, the learned Advocate General for the respondent. Civil Application (Review) No.15/2005 is moved for review of the order dated 31.08.2005 passed by this Court whereby the writ petition No.557/2004 was dismissed. The Counsel for the applicant has contended that so far as the observation made by the Authority in paragraph 6 of the order that the original survey plan availabe with the GCZMA does not reflect the structure, is in fact not correct, in view of the suvey plan dated 23.4.2003 annexed to the petition as Annexure `C' which does show some structure existng then, which may not be of a dimension of 75 sq. metres. It is, therefore, contended that even if it is presumed for the sake of argument that if the Authority is entitled to demolish under the relevant provisions of the Act and the Rules, they are entitled to demolish it to the extent of new structure, if any, built by the applicant after 1991 and, therefore, the order of demolition of entire structure, is not proper. It is contended that the learned Single Judge did not consider these aspects and, therefore, the impugned order needs to be reviewed in the light of these facts.

The learned Advocate General, on the other hand, specifically contended that the observations which are subject-matter of the present review are the observations made by the Authority and not by the learned Single Judge. The learned Single Judge has considered the annexure `C' in the light of the facts and circumstances of the present case and, after taking into consideration the survey plan and other factors, dismissed the writ petition and held the action of the Authority is valid in law and, therefore no case is made out for showing indulgence in the present review petition.

I have considered the contentions canvassed by the respective Counsel and perused the impugned Order. It is no doubt true that the applicant by virtue of the present review petition seeks review of the observations made by the Authority on the basis of the material placed and available before the said Authority and, therefore, this Court cannot reconsider the same in review or in other proceedings, particularly when the learned Single Judge has considered these aspects, including the survey plan and it is only thereafter came to the conclusion that the finding recorded by the Authority does not suffer from any infirmity. In that view of the matter and considering the limited review jurisdiction which this Court exercises, I am of the view that no case is made out for reviewing the order dated 31.8.2005 and, therefore, the same is dismissed.

D. D. SINHA, J.

ssm.